

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES TO:

ALL CASES

NOTICE TO TAKE VIDEOTAPED ORAL DEPOSITION

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs in the above-entitled action will take the oral videotaped deposition of **DANIEL BITLER** on **Friday, January 22, 2010 at 9:00 a.m.** at the **Ramada Wayne Hotel, 334 U.S. 46, Wayne, New Jersey 07470** before a Notary Public authorized to administer oaths for the State of New Jersey. Said deposition will continue from day to day until completed.

The deposition will be recorded by Golkow Technologies, Inc., One Liberty Place, Suite 5150, Philadelphia, Pennsylvania 19103. Notice is also given that this deposition may be recorded by videotape. Plaintiffs reserve the right to use the videotaped deposition at the trial in this matter and in any other evidentiary hearing or proceeding where oral testimony may be admitted into evidence.

The deponent is not a party to this action. So far as known to the deposing party knows, the deponent's current address is as follows:

Daniel Bitler
152 Statesville Quarry Road
Lafayette, NJ 07848

Said deponent has been or will be served with a deposition subpoena. **A COPY OF THE SUBPOENA TO APPEAR AND TESTIFY AT A HEARING OR TRIAL IN A CIVIL CASE IS ATTACHED HERETO AND SERVED HEREWITH.** A list of all parties or attorneys for parties on whom this Notice of Deposition is being served is shown on the accompanying Certificate of Service.

Respectfully submitted,

On Behalf of the Plaintiffs' Steering Committee

s/FredThompson III, Esq.

Fred Thompson III, Esq.
Motley Rice, LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464

Co-Lead Counsel

Carl N. Frankovitch, Esq.
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337 Penco Road
Weirton, WV 26062

Co-Lead Counsel

Harry F. Bell, Jr., Esq.
Bell & Bands PLLC
P.O. Box 1723
Charleston 25326

Co-Lead and Liaison Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 15, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

PLAINTIFFS' STEERING COMMITTEE

By: s/Fred Thompson III, Esq.

Plaintiffs' Co-Lead Counsel

EXHIBIT A

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT
for the
District of New Jersey

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Daniel Bitler, 152 Statesville Quarry Road, Lafayette, New Jersey 07848

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: The Ramada Wayne Hotel, 334 U.S. 46, Wayne, New Jersey 07470	Date and Time: 01/22/2010 9:00 am
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The deposition will be recorded by this method: Transcription and videotape

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Exhibit "A"

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/15/2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) Plaintiffs
Ed Blizzard, Esq., Holly W. Gibson, Esq., Blizzard McCarthy & Nabers, LLP, The Lyric Centre Building, 440 Louisiana,
Suite 1710, Houston, Texas 77002-1689; eblizzard@blizzardlaw.com, hgibson@blizzardlaw.com; (713) 844-3750

EXHIBIT "A"

SUBPOENA DUCES TECUM

Pursuant to the Rule 30(b)(2) of the Federal Rules of Civil Procedure, the witness shall bring the following documents to the deposition:

1. Curriculum vitae; and
2. All documents deponent reviewed in preparation for deposition.

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named individual as follows: _____

on *(date)* _____; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: